



NATIONAL CONGRESS OF AMERICAN INDIANS

National Congress of American Indians (NCAI)
Testimony to the Senate Committee on Indian Affairs
Regarding S. 343, the Indian Tribal Development Consolidated
Funding Act

EXECUTIVE COMMITTEE

PRESIDENT
Tex G. Hall
Vandan, Hidatsa, Arikara Nation

FIRST VICE -PRESIDENT
Joe A. Garcia
Ohkay Owingeh
(Pueblo of San Juan)

RECORDING SECRETARY
Colleen F. Cawston
Colville Confederated Tribes

TREASURER
Alma Ransom
St. Regis Mohawk Tribe

Presented by
Tex G. Hall
President, NCAI

Chairman Inouye, Vice-Chairman Campbell, and other members of the committee, I would like to thank you for inviting me here to testify on this important and significant piece of legislation, the Indian Tribal Development Consolidated Funding Act. As you know, the National Congress of American Indians -- the oldest, largest, and most representative Native American group in the nation -- is focused on economic development and helping tribes get the tools necessary to exercise their sovereignty. We believe that this bill is a step in the right direction to help tribes along the way to building successful economies and healthy communities.

The aim of this bill is to give the tribes the ability to coalesce the programs from the various agencies they use to pursue development. In doing this, tribes increase the value of the assistance they receive because they are able to pool together resources that would otherwise make a smaller contribution to the tribes' initiatives. For instance, if a tribe were trying to put together a housing project, it would often apply for many different grants and technical assistance programs to help further the project. However, each grant and government program used has its own set of application, implementation, and reporting requirements. These requirements, even though they all go to the same project, must be fulfilled separately. This often creates an undue hardship on those project managers who would be able to use the time they take to fulfill government requirements more effectively in implementing the goals of the project.

This bill also focuses on one of the problems that tribes find when they attempt to move forward with their programs: the lack of cooperation between federal agencies. Earlier this week there was a man in our offices meeting with some agency folks about wind energy. He said that coming to Washington was the hardest part of his job. When I asked him why, he replied that he has to make the 3,000 mile trip twice a year to, "introduce people who work across the street from each other." Unfortunately, this is too often the case, even out in Indian Country. When tribes try to move forward with a project that will help its people, we waste a lot of time with duplicative federal requirements, and the agencies are often unwilling to cooperate with each other because they need all their regulations fulfilled, independent of the other agencies and independent of the best interests of the tribes. There are so many hoops to jump through in Indian Country, we're running out of hoop dancers to hire for our project managers.

This bill aims to remedy some of these problems. According to the legislation, instead of reporting to each agency separately, the tribe would be able to identify the programs and assistance that they planned to use, propose waivers of regulations and other requirement so that a unified application and report would fulfill the agencies' needs, and single out one agency to administer the tribe-specific program. This not only alleviates the reporting requirements on the tribe, but streamlines the process for the federal representatives as well. This bill is truly an example that this program will make the whole of the federal assistance tribes receive greater than the sum of its parts.

We are happy to see this bill, as it is a familiar concept to many of us in Indian Country. This bill looks like an expansion of a consolidated funding program that came from this committee in the 102nd Congress and that is very popular in Indian Country: the 477 process. Though the 477 process is limited to four federal agencies and programs related to employment and training, it has proven to be a good way for tribes to streamline the application and

reporting processes involved in federal programs. The basic theories behind how S. 343 will function are working currently, and we hope that the process can expand efficiently and easily into the rest of the government agencies.

However, this is a hope that we feel with some caution. We feel that this Committee, in this legislation must make it very clear that the agencies are to be willing to waive certain provisions when those are in the best interests of the tribe and covered elsewhere in the program functions. We know that it is not the intent of this committee to subject the tribes to interagency bickering or territorialism, which we fear may happen. As I said earlier, there is not a lot of cooperation between the agencies. Though provisions in subsection (c)(6) lay out the process in general, we don't want to see projects stalled when agencies refuse to waive provisions or requirements. Agencies function according to their interpretation of Congressional intent, and we urge you to make your intent clear that agencies are to waive provisions that tribes identify through the application or consultation process, excepting the limitations you have described. We think that this clarification and emphasis will make the process easier as applications move forward.

We understand that this bill creates a demonstration project, and thus is not designed for a large-scale implementation. We think that the bill is good, and will do a lot of good for the tribes who already have some manner of expertise in government program administration and have the adequate infrastructure and resources to perform the accounting, audit, and application processes. However, many tribes do not yet have these resources. As the program moves forward, NCAI would like to see provisions that would provide some assistance for those tribes, especially in the form of peer learning processes. Our experience shows us that tribes learn best from other tribes who have already gone through the processes. When we are able to visit other tribes, who were often facing the same situations we are, and see how they have done it, it helps us put a perspective on how our tribes should move forward. We think that after the first year or two of the project, those tribes who have participated will have the expertise to assist other tribes in the program. This peer-learning process requires nominal funding, and the outcomes of empowers tribes as examples, as well as the monies saved by this

program in administration and related costs will be more than enough to offset the costs.

In addition to adding a peer-learning provision, we ask that this committee also consider adding the following language that would preserve funding levels: In no case shall the amount of Federal funds available to a tribal government involved in any demonstration project be reduced as a result of the enactment of this Act. We ask this to ensure that the program amounts are lowered further than they already are.

We would like to single out section 14 for praise, as we feel that this provision—if implemented with the enthusiasm of the federal agency, state, and tribe—will bring this cooperative model out of oblivion, as a keystone of new success. We have been working with the National Governors Association on building state-tribal relations for the past several years, and we believe that this will allow the states to invest in the wellness of tribal economies, which will in turn strengthen the state economy, and will build the state-tribal relationship.

Overall, we support the passage of the bill, and we are available to work with the committee to insert and implement these suggestions and the legislation in whole. We commend the committee for its commitment to Indian Country, and appreciate its focus of helpful legislation that, coupled with the exercise of our sovereign rights, will allow our tribes to best serve their people for generations to come. Thank you for your invitation to testify, and I welcome any questions you may have.